

ORDINANCE ADOPTING MODIFICATIONS TO CHAPTER 70, ARTICLE III, DIVISION 3, SECTION 70-129 OF THE DURHAM CITY CODE

WHEREAS, the current City of Durham Code of Ordinances, § 70-129 Code does not provide an exception to the annexation requirement for the extension of utilities into an economic development zone entered into by the City with another local government.

NOW THEREFOR BE IT ORDAINED BY THE DURHAM CITY COUNCIL:

Repeal the existing Chapter 70, Article III, Division 3, Section 70-129 of the Durham City Code of Ordinances and replace it in its entirety with the following:

Sec. 70-129. - Conditions to be complied with in extending city water and sewer service outside the city.

City council may approve or disapprove water mains, sewer mains, water service connections, sewer service connections, or both, ("utility service") in its discretion to property outside the city limits petitioning for such service upon the conditions established by this section. Utility service shall be provided pursuant to utility extension agreements approved by city council, which shall be brought to the city council on such schedule as is determined appropriate by the city manager. Utility extension agreements shall include those terms and conditions that the city council determines, in its discretion, to be in the interests of the city, and that address potential impacts of the proposed development on the city and/or its citizens. Such terms and conditions may address, in addition to the water and/or sewer service requested, other utilities, and associated regulations within the city, such as stormwater. The city water distribution system and sewage collection system shall not be extended beyond the limits of the city or without voluntary annexation into the city except:

- (1) Pursuant to an effective and valid contract, agreement, complete residential building permit submission and approval, or city council resolution entered into by city council or passed by city council prior to October 15th 2012; or
- (2) Water to properties within the legal boundaries of Research Triangle Park, NC; or
- (3) To public properties; or
- (4) To extensions for water mains extended outside the city to complete a loop in the water distribution system to assure adequate water quality or pressure to an area inside the city; or
- (5) To individual properties outside the city for which an assessment for a main extension has already been levied; or
- (6) To properties with verified water supplies-of unsatisfactory quality or a verified existing health hazard from an on-site sanitary sewer system approved by the city council pursuant to subsection a. of this section;
 - a. Any extension of the water distribution system and sewage collection system to serve properties with verified water supplies of unsatisfactory quality or a verified, existing health hazard from an on-site sanitary sewer system shall be made only after approval of such extension by the city council. Any such extension shall be made in accordance with the following conditions:
 1. The city shall bear no part of the construction cost of extensions beyond the city limits to serve a school or industry. No refund policy shall apply to such lines. The city

may participate in the construction cost of any extension to serve properties with verified water supplies of unsatisfactory quantity or quality or a verified, existing health hazard from an on-site sanitary sewer system, provided such extension is made as a result of receiving a sufficiently signed petition under the provisions of Article 7, Section 77, paragraph (7) of the City Charter. The question of city participation shall be decided by the city council for each individual project, but in no case shall assessments be less than the standard rate for extensions outside the city;

2. Construction of authorized extensions to approved properties with verified water supplies of unsatisfactory quality or a verified, existing health hazard from an on-site sanitary sewer system, shall be in accordance with all applicable policies, standards and specifications of the city; or

(7) A limited exception to the voluntary annexation requirement may be provided to property located in an economic development zone that is established pursuant to an interlocal cooperation agreement entered into between the City of Durham and another unit of local government. For individual properties within this category, city council may in its sole discretion allow the extension of utility service without requiring annexation based upon the city's assessment of the ease or difficulty of serving the property with other municipal services.

(Ord. No. 14333, § 1(Att. 3), 10-15-2012)